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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,234	02/03/2000	Jason Raymond Baumgartner	AUS990879US1	8528

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Joseph P Lally  
Dewan & Lally LLP  
P O Box 684749  
Austin, TX 78768-4749

EXAMINER
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ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/498,234

Applicant(s)

BAUMGARTNER ET AL.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Affidavit filed on October 19, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Boman reference.
2. The 37 CFR 1.131 affidavit or declaration must contain an allegation that the acts relied upon to establish the date prior to the reference or activity were carried out in this country or in a NAFTA country or WTO member country. Applicant's submission fails to provide such statement.
3. The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred."). Applicant's submission is a general statement of what the Disclosure documentation describes and a general allegation that the invention was completed prior to the date of the reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, 15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (US Patent No. 5,199,077) in view of Boman et al (US Patent No. 6,480,819), in further view of Lee (US Patent No. 6,067,520).

5. Regarding claims 1-2, 4-6, 15, and 18-21, Wilcox teaches a technique for wordspotting intended for interactive applications, such as editing of mixed media documents and keyword indexing in audio or video recordings (Figure 15), which reads on “a system for locating an audio segment within a storage device.” Additionally, at col. 11, lines 3-5, Wilcox teaches the user inputs the word or phrase to be searched, which reads on “an input device suitable for transmitting an input sample indicative of an audio segment.

Wilcox does not specifically teach that the input is a text sample. However, allowing a user to search for data via text keywords was well known in the art.

Boman teaches an automatic search of audio channels by matching spoken words against closed-captioned audio content, which converts spoken input into text for searching (col. 2, lines 57-60).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Wilcox to allow for textual input for query searching, for the purpose of providing access to a user unable to vocalize a desired query.

Wilcox does not specifically teach implementation of a media player for playing audio stored on the storage device. However, utilizing a media player for playing stored audio was well known in the art.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to implement a media player for playing stored audio as was well known in the art, for the purpose of playing edited audio to confirm or verify the selected audio has been edited to the user's satisfaction.

At col. 7, lines 31-65, Wilcox teaches that the received input speech is digitized and feature extraction is performed and a Hidden Markov Model (HMM) for the keyword to be spotted is created, which reads on "a sample converter configured to generate an input sample" and "digital representation."

Wilcox does not teach the representation of the converter is a diphthong sequence. However, implementation of diphthong sequences in a HMM recognition algorithm was well known in the art.

In a similar field of endeavor, Lee teaches a system and method of recognizing speech using Hidden Markov Models, which processes sequences of monosyllables as the acoustic units for recognition (abstract, col. 4, lines 20-26; col. 6, line 37-42; col. 16, lines 23-27).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the system of word spotting system of Wilcox to implement monosyllables

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as the acoustic units of recognition as taught by Lee, for the purpose of improving recognition results, as suggested by Lee (col. 6, lines 50-54).

6. At col. 8, lines 64-65, Wilcox teaches that feature vectors are computed for the input speech in which the keyword is to be spotted, which reads on “an audio converter configured to generate an audio content comprising a digital representation.”

At Figure 4, Wilcox teaches implementation of the wordspotter search, which reads on “a comparator.”

Wilcox teaches the word spotting system includes a computer, which reads on “input device comprises a keyboard”, since a keyboard a component of a computer system.

Wilcox teaches implementation of microphones and voice recordings at Figure 15, element 88 and 87.

Additionally, Wilcox teaches providing an indication of the location of the portion of interest at col. 10, lines 10-11, transforming data to a frequency domain representation at col. 7, lines 58-65; col. 8, line 65 continuing to col. 9, line 3, and implementation of the keyword spotting system with word processed documents at col. 11, lines 20-25.

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (US Patent No. 5,199,077) in view of Boman et al and Lee (US Patent No. 6,067,520) as applied to claim 1 above, and further in view of well known prior art.

8. Regarding claim 7, Wilcox, Boman and Lee teach everything as claimed in claim 1. However, Wilcox, Boman, and Lee do not specifically teach that the storage medium comprises a compact disc. However, storing audio recordings on a compact disc was well known.

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Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Wilcox, to allow for the audio recordings to be stored on compact disc as was well known in the art, for the purpose of allowing for more data to be stored and processed.

Regarding claim 8, Wilcox, Boman, and Lee teach everything as claimed in claim 1. However, Wilcox, Boman, and Lee do not specifically teach that the storage medium comprises a digital video disc. However, storing recordings on a digital video disc was well known.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Wilcox, to allow for the audio recordings to be stored on a digital video disc as was well known in the art, for the purpose of allowing for more data to be stored and processed from audio data that is associated with video.

### ***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258.

The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong  
Examiner  
Art Unit 2654

AAA  
February 07, 2005

*Angela Armstrong*